

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STERLING TERRANCE HOSPEDALES,

Defendant.

NO. CR09-5434BHS

ORDER GRANTING MOTION
MOTION TO WITHDRAW
MOTION TO COMPEL AND
AND REINSTATING
TRIAL DATE

THIS MATTER comes before the Court on Plaintiff's motion to withdraw its motion to compel a handwriting exemplar (Dkt. 57) and to reinstate April 27, 2010, trial date. Dkt. 80. The Court has considered the Plaintiff's motion, the Defendant's response to the Plaintiff's motion (Dkt. 81), and the remainder of the file entirely. The Court finds that:

On January 15, 2010, the Court arraigned Defendant on a Third Superseding Indictment, which added four counts of sexual exploitation of a child in the production of child pornography. On February 8, 2010, the Court granted Defendant's motion to continue trial date (Dkt. 59), based in part on the Third Superseding Indictment.

On February 22, 2010, the Court found Defendant to be in civil contempt of court for failure to provide Plaintiff with a handwriting exemplar, as was ordered by the Court on January 25, 2010 (Dkt. 60).

On March 11, 2010, the Court conducted a Status Hearing wherein the Court granted Defendant's motion to terminate attorney Charles Johnston from representing Defendant (Dkt. 75), and on March 12, 2010, attorney Phil Brennan was appointed to represent Defendant (Dkt. 78).

ORDER

1 On March 16, 2010, Plaintiff filed the instant motion (Dkt. 80) to withdraw its
2 motion to compel a handwriting exemplar from the Defendant and to reinstate the April
3 27, 2010, trial date. On March 23, 2010, Defendant responded. Plaintiff believes
4 compelling the exemplar is unnecessary. Plaintiff contends that the April trial date should
5 be reinstated so that Defendant's alleged witness tampering and destruction of evidence,
6 if any, will not continue.

7 In opposition, Defendant requests that the Court to set a trial date of no earlier than
8 November 2, 2010. Dkt. 81 at 1 (attaching a speedy trial waiver). Alternatively, if the
9 Court reinstates the April 27, 2010, Defendant moves the Court to continue that trial date.
10 Dkt. 81 at 4 (noting that Plaintiff will not oppose a short continuance to allow defense
11 counsel time to prepare). The Court orders the trial date be reinstated for good cause
12 shown and directs the clerk to set a hearing for Defendant's motion to continue.

13 Therefore, good cause having been shown, it is hereby **ORDERED** that

- 14 1. The order compelling Defendant to provide a handwriting exemplar is
15 **QUASHED**,
16 2. Defendant is **PURGED** of his civil contempt, and
17 3. The trial date of April 27, 2010, is **REINSTATED** and a hearing on the
18 motion to continue is to be set by the clerk as discussed herein.

19 DATED this 26th day of March, 2010.

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BENJAMIN H. SETTLE
US District Court Judge